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November 14, 2012

VIA ECF

The Honorable Joseph A. Dickson, U.S.M.J.
U.S. Post Office & Courthouse Bldg.
Federal Square Newark, NJ 07101

**Re: Montvale Surgical Center v. Horizon Blue Cross Blue Shield of New Jersey
Civil Action No. 12-2378(DMC-JAD)**

Dear Judge Dickson:

Please be advised that my firm represents Horizon Blue Cross Blue Shield of New Jersey ("Horizon") in the above captioned matter. This matter was removed to this Court on or about April 23, 2012 and Horizon filed its answer on or about May 10, 2012. The parties met with your Honor for a R. 16 Scheduling Conference on July 18, 2012 and have been proceeding through discovery. In an effort to clean up the docket and in the hopes of consolidation, Horizon consented to allow the Plaintiff to amend their complaints. This action is just one of nineteen (19) matters pending in this Court between Plaintiff and Horizon involving substantially similar issues.

Plaintiff did indeed file an amended complaint in this matter, with the consent of Horizon, on or about September 14, 2012. This was the only matter in which the amended complaint was filed and it was inadvertently missed and to date, no answer to the amended complaint has been filed. It was not until today that I realized that I had in fact not responded to the amended complaint. Upon realization that I have not filed an answer to the amended complaint I contacted my adversary, and he has consented to me filing an answer out of time. I also spoke with your law clerk this afternoon who suggested that I write your Honor a letter explaining the situation. I respectfully ask for your Honor's permission to file this answer out of time.

The Honorable Joseph A. Dickson, U.S.M.J.
November 14, 2012
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Respectfully,

CONNELL FOLEY LLP

A handwritten signature in black ink, appearing to read "Matthew A. Baker", written over the firm name.

Matthew A. Baker

MAB/meb

cc: Andrew Bronsnick, Esq. (via ECF)